



## DEPARTMENT OF THE NAVY

NAVAL SEA SYSTEMS COMMAND  
1333 ISAAC HULL AVENUE  
WASHINGTON NAVY YARD DC 20376-2101

IN REPLY REFER TO

5720

Ser SEA 00A5/DON-NAVY-2018-000958F

December 11, 2018

Brad Racino  
DEPT MR 45381  
411A Highland Ave  
Somerville, MA 02144-2516

SUBJECT: FREEDOM OF INFORMATION ACT CASES DON-NAVY-2018-000958

Dear Mr. Racino:

This is the Naval Sea Systems Command (NAVSEA) final response to your October 31, 2017, Freedom of Information Act (FOIA) request in which you seek a copy of the ship repair contracts for the last five ships to enter each of the following yards: NASSCO, BAE, and Continental Maritime.

A thorough search of this Headquarters files was conducted, specifically those files located in the Contracts Directorate (SEA 02). Knowledgeable personnel with that office were able to identify 4 BAE contracts and 1 NASSCO contract, totaling of 5 contracts, as responsive to your request. No Continental Maritime ship repairing contracts for the last 5 years were located in our records.

In a letter dated June 27, 2018, we informed you that your request would be coordinated and forwarded to the Southwest Regional Maintenance Center, San Diego, CA for processing and direct response to you.

I considered your request under the FOIA 10 U.S.C. § 552, as amended, and Secretary of the Navy Instruction 5720.42F. After a careful review of documents responsive to your request, it was determined that the information you are seeking would not be releasable under exemptions (b)(4) and (b)(6) of the FOIA.

FOIA exemption (b)(4) protects confidential business information, the disclosure of which would likely cause substantial competitive harm to the source or would impair the government's ability to obtain similar information in the future. The information redacted under exemption would likely cause substantial competitive harm to the submitter and is therefore properly redacted.

Exemption (b)(6) requires withholding of information in files where disclosure "would constitute a clearly unwarranted invasion of personal privacy." In applying Exemption (b)(6), a balancing test must be done, weighing the privacy interests of the individuals named in a document against the public interest in disclosure of the information

requested. The public interest in disclosure is one that will "shed light on an agency's performance of its statutory duties." Dep't of Justice v. Reporters Committee, 489 U.S. 749, 773 (1989). There is no public interest in the personal information redacted under (b)(6) in this request, and therefore the information is properly redacted.

Since the documents you have requested contain information that is prohibited from public disclosure for the reasons stated above, I am partially denying your FOIA request. The releasable portions of the requested documents are attached as an enclosure.

I am the official responsible for the decision regarding your request. You are advised of your right to appeal this decision. Should you decide to appeal this determination, you must do so in writing to:

Department of the Navy  
Office of the General Counsel  
1000 Navy Pentagon, Room 4E365  
Washington, DC 20350-1000

Your appeal must be postmarked within 90 calendar days from the date of this letter. A copy of your initial request and this letter must accompany the appeal. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter. In order to expedite the appellate process and to ensure full consideration of your appeal, it should contain a brief statement of the reasons you believe this decision to be in error.

For this determination, you also have the right to seek dispute resolution services from either the Department of the Navy FOIA Public Liaison, Mr. Chris Julka, at: Christopher.a.julka@navy.mil, via phone: (703) 697-0031; or by contacting the Office of Government Information Services at: (<https://ogis.archives.gov/>), (202) 741-5770, [ogis@nara.gov](mailto:ogis@nara.gov).

Questions regarding the action taken by this office to process your request may be directed to the Navy FOIA Service Center at (202) 685-0412 or via email at [donfoia-pa@navy.mil](mailto:donfoia-pa@navy.mil).

Fees for processing your request have been waived in this instance. However, fees are assessed on a case-by-case basis and you may be charged for future requests.

If you have any questions concerning the foregoing, please contact Ms. Rita La Prince, at 202-781-2612.

Sincerely,



JAVIER MARTINEZ  
Initial Denial Authority